

REMARKS/ARGUMENTS

This **non-final** Amendment is submitted in response to the Office Action dated October 6, 2008.

I. Introduction

Claims 1-10, 16-25, and 33-35 are pending in the application. Claims 1-10, 16-18, and 33-35 are allowed. Applicant thanks the Examiner for this finding of allowability. Claims 19-25 are rejected. Claim 19 has been amended herein. No new matter has been introduced.

Claims 19-20 and 22-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,309,504 to Morganstein (hereinafter "the Morganstein patent") in view of U.S. Patent No. 5,479,488 to Lennig et al.

Claim 21 stands rejected under the Morganstein patent in view of U.S. Patent No. 4,907,247 to Nomura et al.

As will be discussed below, none of the pending claims, as amended, are anticipated or rendered obvious by the applied references.

II. Claims 19-25 are Patentable

The Examiner states on p. 3 of the Office Action that "claims 19-25 are not of a similar scope as the other allowed claims." Further, "Applicants are being given an opportunity to amend claim 19 to be more in line with claims 1 and 33".

Applicant has amended claim 19 to be more in line with claim 1, and therefore claim 19, as amended, is patentable over the cited references.

As claims 20-25 depend from claim 19, **claims 20-25 are patentable over the cited references.**

III. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in condition for allowance. Accordingly, it is requested that the Examiner pass this application to issue.¹

If there are any outstanding issues which need to be resolved to place the application in condition for allowance **the Examiner is requested to call (732-542-9070) and schedule an interview with Applicant's undersigned representative.** To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made and any required fee in regard to the extension or this amendment is authorized to be charged to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

None of the statements or discussion made herein are intended to be an admission that any of the applied references are prior art to the present application and Applicants preserve the right to establish that one or more of the applied references are not prior art.

Respectfully submitted,

January 2, 2009

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¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.